

DCI REMARKS
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First draft

I would like to talk to you about the role of intelligence in our society today. What we intelligence professionals need in order to carry out that role and what the society needs in order to ensure itself that we are successfully fulfilling our role and nothing else.

I happen to believe that good intelligence is perhaps more important to our country today than any time since the establishment of a centralized intelligence community in 1947. At that time we were clearly the dominant military power in the world, we were totally independent economically and we were by far the strongest military power on the world scene.

Today our country remains the preeminent military, economic, and political force in the world. Yet, like all other nations, we must recognize that our national security is dependent in some measure on actions beyond our control; most often the actions of other governments. This is especially so as military might continues to proliferate; as economic interdependence increases; and as political activism and independence become characteristic of both long established and new nations. These forces can encourage nations to act deliberately in ways inimical to the interests of others or to pursue selfish national goals regardless of their international impact. In both instances, such actions are likely to be taken secretly. Therefore, the United States, like all other nations needs to keep aware of what others are doing. Only if we are well informed can we guard against actions which

impinge on our national interests. Only if we are well informed can we make good policy decisions. Reliable information can provide leverage that is often preferable to military force or other forms of power. Knowledge of what others might concede is also essential to the successful negotiation of agreements which contribute to continued world peace, such as arms control agreements. Without independent verification of the provisions of these agreements, there could not be adequate confidence to entrust the nation's fate to such measures. If this were the best of all possible worlds and other nations were at least as open as is ours, we might well be able to garner the necessary fundamentals of information without having to pry and spy. The facts of the case are many if not most of the world's nations are closed societies in our terms.

The collection of foreign intelligence that is information about activities in foreign countries, is the first role of our nation's intelligence community.

Our second role is one which is essential if the first is to be played. This is the conduct of counterintelligence. Counterintelligence is the obverse of our needing to collect intelligence for own use. It is the need to prevent others from learning our national secrets. Ours is the most open society in the history of the world. There is little that we think or do which is not widely known. Yet, to remain strong we must be prepared for what our potential enemies may do. Many of those preparations, to be effective, must be kept secret. We cannot afford to develop expensive weapons systems or intelligence collecting devices and then not protect them. Once their characteristics are known, they can be easily countered. Nor can we adequately

protect our interests in negotiating treaties or agreements if our terms are exposed in advance. Consequently, we must be able to uncover attempts to penetrate our secrets and be able to neutralize or frustrate them.

The third role of intelligence for our country is covert political action. In point of fact this is not truly an intelligence function if we define intelligence of the collection and evaluation of information. However, since 1947 under directives of the Presidents and of the Congress have assigned to the Central Intelligence Agency the function of performing such political action as the country is desired to perform on a covert basis. Covert political action in essence is the effort to influence events in foreign countries without the source of that influence being known. One of the cardinal principles of United States foreign policy is to avoid military conflict whenever national interests can be protected by other means. Generally, overt political means such as diplomacy, negotiation, or economic pressure are available and can be used. However, there are times when knowledge of the United States' role in attempting to influence a foreign activity might dilute or undercut the effect of that influence. For example, the thwarting of terrorist operations by penetrating the terrorist organization even while pursuing open negotiations; the provision of financial support to individuals or institutions struggling to maintain democratic standards against external pressures toward totalitarianism; or the effort to further our national interests by influencing foreign policies through intermediaries when an appearance of selfish national interest might discredit the approach. Accordingly, the instrument of covert political influence has

its proper place in the specturm of foreign policy tools. This third role for American intelligence completes the picture.

What do we intelligence professionals need in order to fulfill these roles?

First, we need the support and the understanding of the American body politic. For many years we had that support simply on faith - on the faith that the country needed to conduct some secretive spying activities if it was to remain wise and strong. Events of recent years have shaken that faith somewhat, although I am persuaded that the American public remains fundamentally in strong support of a strong intelligence capability for our country. Nonetheless, the public deserves to understand better what we do and why we do it so that its faith and trust in us can have a stronger foundation. Plainly, as I am here with you today we are attempting to be more open about those areas or activities where it is possible to be so.

The second fundamental of our intelligence capability, however, is being able to keep secrets. If there appears to you to be a contradiction between our espousal of the policy of greater openness and at the same time one with emphasis on the necessity for secrecy, let me explain that. Clearly, individuals, preparations, governments and

within governments especially intelligence activities all need some measure of secrecy. Clearly, also there has been much too much secrecy within our government. Too many documents are stamped with labels of high classification unnecessarily. The policy of maximum disclosure or openness is one way to whittle down the huge corpus of classified data that is held within our government. Such a process, I believe will enable us to again achieve a higher degree of respect for the classified document and thus to protect our secrets better. There must however, be more than openness to preserve our secrets. To begin with there must be a renewed recognition of the legitimacy of secrecy. Secrets are neither moral or immoral, good nor bad. They are simply necessary correlaries of the world in which we live. Our society needs to recognize this more clearly, and not simply jump to the conclusion that the holding of a secret is an attempt to conceal wrongdoing and that so-called whistle blowers are automatic heroes and defenders of secrets are public servants who are self-serving or malicious. Just as there are procedures for preserving secrets there are procedures for questioning improper or unnecessary secrecy. I have yet to

see a so-called whistle blower who has taken recourse to these methods prior to going into the public arena where it would appear that fame and fortune might be as motivating as any attempt to curtail improper secrecy.

Yet none of us who are sworn to preserve our secrets or myself who am charged by law with protecting those which relate to how we gather our intelligence information, would ask the public simply to accept our word on what needs to be kept classified as a secret. Surely, undue secrecy or secrecy improperly employed is a considerable risk to run our society. So too are the number of procedures and techniques for the clandestine gathering of foreign intelligence, the pursuit of counterintelligence, or the covert execution of political influence. To begin with there is the risk that even though our Bill of Rights does not apply to non-American persons we believe in and support the concept of world-wide human rights. If our intelligence activities systematically violate those rights of others, this would be inconsistent with one of our fundamental tenants. It would belie the values which our society proclaims. Beyond this there is always the danger that there will be accidental or intentional involvement of American citizens in the clandestine collection of intelligence. When such infringement

of the basic rights of Americans must be approached with great caution. There are many ways other than the collection of intelligence in which American liberties are put in jeopardy by the activities of our own government, but generally these are carefully hedged in control. For instance, there is a necessity for warrant for search or the approval of the Attorney General for surveillance of telephone conversations. So too, we need checks on the intelligence process which will on the one hand protect the interests of our citizens and yet on the other not so inhibit our clandestine activities to prevent the fulfillment of our role. Down to the balance it is a very delicate one, it is one which I am pleased to suggest to you that we have made great progress. Out of the last 3 1/2 years of considerable public criticism of the intelligence process in our country, we have forged a series of controls or oversight procedures. These today I believe give the American citizen greater insurance against and yet assurance of the achievement of effective intelligence than ever before. What are these controls? They come in four categories: general guidelines, specific prohibitions, specific injunctions short of total prohibition and oversight procedures.

There are two general guidelines which are issued to intelligence professionals, the first is that espionage is an extraordinary remedy. Accordingly, we should never resort to clandestine means of gathering information when it might be available openly, and we always must assess the risks versus the benefits in undertaking the clandestine activity. The second is that actions which we do take in secret, we must be able to defend in principle before the American public. Clearly, because of our need for secrecy we cannot in fact go before the public with all the details of the specific instances of espionage we are undertaking. But we can in public, defend the general classes of actions which we take and we can before the appropriate committees of the Congress justify our clandestine activities as being consistent with the announced policies and objectives established by the open processes of our government.

With respect to prohibitions there are activities such as assassination which are so repugnant to our national standards as to warrant having been unequivocally prohibited. Another appropriate prohibition is that of conduct which is the equivalent of war. Clearly, intelligence agents should not in a sense be allowed to conduct war when resort to that device is closely regulated by the Congress and Executive. Still another prohibition would be that of experimentation on human beings other than controlled and approved by the Secretary of Health, Education and Welfare.

I mentioned that a third category of control was injunctions, short of total prohibition. There are in fact few clear cut cases that warrant prohibition. This is largely because what is suitable and what is permissible

will vary with circumstances. Measures that should not be undertaken in peacetime, or against a democratic state, may be permissible during hostilities or against a totalitarian regime. Therefore, there must be adequate flexibility to adjust to circumstances and to modify rules and procedures as conditions change. These are analogous to the well-known democratic law enforcement mechanism for balancing the individual's constitutional rights to privacy and the acquisition of essential information; e.g., telephone taps can be authorized only after a court has issued a warrant on the basis of probable cause to believe an individual is engaged in criminal activity. The levels at which these injunctions will be levied and exceptions to them granted will vary with the severity of the risks involved so that there will be some balancing between the adequacy of control and the cumbersomeness of the control system. An injunction which we have instituted in the last several years and which has received considerable attention in the public domain has been that of the use of accredited members of the U.S. media for intelligence purposes. We have made the basic decision that though there could be valuable intelligence returns from such association the net benefits to the country of casting a shadow of legitimacy on our media representatives does not warrant such use. However, it appears unwise to make this prohibition especially when it may be enacted into law. It would happen when a member of an American media organization just happened to be the only go-between in a delicate international terrorist situation should we deign to employ him at the risk of other human lives. Should we not have an injunction rather than a prohibition with some specific means for controlling the exceptions in this case. I alone, am allowed to grant an exception to this convention.

Let me assure you that these oversight procedures are, in my opinion, working very well already. The Intelligence Oversight Board has been established for almost three years. It is indeed an appropriate word for three distinguished men composed of former Senator Gore, former Governor Scranton, and Mr. Thomas Farmer. They do indeed actively keep abreast of their doing and potentials in it for their use. They report their findings only to the President but over and above that exquisite function they serve the role in a place to which employees in the Intelligence Community may go if they ever fear or suspect improper performance by their superiors.

Oversight procedures in Congress have been in place for two years in the Senate, a little over one in the House of Representatives. In both instances the relationship between the Select Committees on Intelligence and those of us in the Intelligence Community has been one of cooperation but also clearly one of oversight and supervision. Many in the Intelligence Community have come to recognize in these past two years the very positive values for us in the Congressional oversight process. The fact that ultimate accountability is always sobering, in the business of intelligence where the stakes are high patriotism and added enthusiasm where risks must be carefully measured, it is good to have the element of accountability hanging over us. We cannot let it drive us to intelligence by timidity but I see no evidence that it is. Rather it is forcing us to be judicious to think out our risks and benefits in ways that permit ready explanation.

Committees of the Congress are now in the process of legislating prohibitions injunctions and oversight procedures in what will be known as the charters of

the Intelligence Community. I strongly support this undertaking. In the first place it will provide the legal foundation for the activities we undertake. In the second place, it will provide guidance for our roles in the Intelligence Community. So that the man or woman on the street in a foreign country and those of us in the headquarters elements we will have a better idea of those things which we either must not do or those for which we must make the case in convincing terms to our overseers.

Finally, the codification in the charters of the authorities for conducting clandestine intelligence gathering, counterintelligence, covert political action, and the controls under which those activities will be conducted. It will ensure that there is the right balance and emphasis between the effectiveness of our intelligence activities and the regulation on behalf of our citizens. As I said before, I believe that our citizens appreciate the necessity of what we are doing for our country in the name of intelligence. At the same time, I am sure that they are not anxious that we violate their constitutional rights. Good reasons although we perform in ways in which this country does not want. Although I am optimistic that in the practice today we are achieving the right balance between openness and secrecy in the effective operation of oversight, the procedures are not yet fully established, I am confident it will come out with the right measure of each. It will take in my opinion several more years of practice to ensure that we have controls but not be hamstrung. The charters will be legislated, hopefully by the next Congress.

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TRANSMITTAL SLIP		DATE 2 October 1978
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REMARKS: Most of this speech is on the tape, practically all. Portions are excerpts from a Charters Legislation paper Capt. T did in concert with DCI. Capt. T has a copy for the Director, Directed me to send one to H. Hetu. This is first, rough draft. The tape goes from 0 to about 10, and the last portion--from about 8 on is very bad--hope you hear it better than we did. I had Capt T interpret the last few paragraphs.		
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